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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,874	02/10/2004	Clements J. Kaiser	10023-61339	3368

7590 07/29/2005  
Joseph L. Lemoine, Jr.  
406 Audubon Boulevard  
Lafayette, LA 70503

EXAMINER
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WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,874

Applicant(s)

KAISER ET AL.

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Acknowledgment***

1. Receipt of the amendment filed 5/5/05 has been acknowledged and entered.

Claims 1-8 have been canceled. New claims 9-16 have been added.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara et al. (US. patent 6,617,703 B2) in view of Pasquini et al. (US. patent 6,615,946 B2) and further in view of Yoshikawa et al. (US. publication 2003/0042053 A1).

Matsubara discloses a motorized personnel carrier (figure 1) comprising:

- a. front and rear, independently operable, variable speed, bi-directional electric motors;
- b. a front drive mechanism;
- c. means to selectively connect said front electric motor to said front drive mechanism;
- d. means to selectively disconnect said front electric motor from said front drive mechanism;
- e. left front wheel;

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f. right front wheel;

g. a rear drive mechanism;

h. means to selectively conned said rear electric motor to said rear drive mechanism (figure 2);

i. means to selectively disconnect said second rear electric motor from said rear drive mechanism (figure 2);

j. left rear wheel;

k. right rear wheel;

l. means to connect said left rear wheel to said rear drive mechanism; and

m. means to connect said right rear wheel to said rear drive mechanism.

Matsubara does not show a means for synchronized steering said left and right front wheels.

Pasquini teaches a four wheel drive vehicle wherein a connectional steering element (22) is used to connect the left and right front wheels so that both wheels may be rotated together in the same direction.

Based on the teaching of Pasquini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Matsubara to include the connectional steering element/linkage of Pasquini so as to provide the left and right wheels with a means to rotate together in the same direction.

Matsubara as modified by Pasquini is disclosed above but lacks the universal joints operatively connected between the front wheels and the front drive mechanism.

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Yoshikawa discloses an electric vehicle wherein a universal joint is used so as to allow two shafts with different rotating axis be connected.

Based on the teaching of Yoshikawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Matsubara as modified by Pasquini to include the universal joint of Yoshikawa so as to provide a means to connect two rotating shafts with different rotating axis.

With regard to claims 10-16, Matsubara as modified by Pasquini and Yoshikawa meet all of the claimed limitations.

### ***Response to Arguments***

3. Applicant's arguments filed 5/5/05 have been fully considered but they are moot in view of new ground of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached on (571) 272-6651. Currently, the fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. However, on July 15, 2005, the Central FAX will be changed to (571) 273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



**TONY WINNER**  
**PATENT EXAMINER**

July 25, 2005